

**SCOTT M. ZUCKER**

ATTORNEY AT LAW

135 CROSSWAYS PARK DRIVE, SUITE 201  
WOODBURY, NEW YORK 11797

TELEPHONE (516) 921-0090  
FACSIMILE (516) 364-3345

**BY ECF**

Hon. Mark D. Fox  
United States District Court  
300 Quarropas St. #633  
White Plains, N.Y. 10601 - 4150

April 28, 2008

116 JOHN STREET  
SUITE 312  
NEW YORK, NEW YORK 10038  
  
4510 COX ROAD, SUITE 100  
ROWE PLAZA  
GLEN ALLEN, VIRGINIA 23060

**RE: Herman, et al. v. Berson, et al., - Case No. 07CIV10263 (SCR)(MDF)**

Dear Judge Fox:

Pursuant to the court's disclosure order in this matter (Doc. 15), the three remaining defendants submit this letter brief to bring the issue of pending disclosure disputes to the court. We annex the relevant portions of plaintiffs' disclosure requests as to the disputed items. In essence this matter involves a private civil action by two plaintiffs against three defendants concerning certain investments made by plaintiffs. We respectfully submit that the disputed items are not relevant to the subject matter of the action, and the information sought does not appear to be reasonably calculated to lead to the discovery of admissible evidence. Each objection is also addressed more specifically.

Document Requests No. 3 and 4: These tax returns are not relevant to the subject matter of the action, and these requests make no reference to, and have no bearing on, Plaintiffs' claims in their complaint.

Document Requests No. 5 and 6: Overbroad and unlimited and make no reference to Plaintiffs' claims in their complaint, and the alleged transactions between the parties.

Document Request No. 11: Overbroad and unlimited; refers to an entity originally named in the complaint but then dismissed by Plaintiffs; and make no reference to Plaintiffs' claims in their complaint, as to the three remaining Defendants, and the alleged transactions between the parties.

Document Requests No. 12, 13, 14 and 15: Overbroad and unlimited, refer to an alleged non-party entity or person not mentioned in the complaint; and make no reference to Plaintiffs' claims in their complaint against the three remaining Defendants, and the complaint does not allege causes of action having any bearing or relevance to any governmental regulatory agency.

Document Requests No. 18 and 19: The complaint contains no allegations against the three remaining Defendants as to the type of document requested.

Document Requests No. 20 and 21: These requests are overbroad and unlimited, without any reference to Plaintiffs or their complaint.

Document Request No. 23: Overbroad and unlimited, and makes no reference to Plaintiffs' claims in their complaint and the alleged transactions between the parties.

Interrogatories 3,4, and 5: Overbroad and unlimited, and makes reference to an entity originally named in the complaint but then dismissed by Plaintiffs, and make no reference to Plaintiffs' claims in their complaint as to the three remaining Defendants and the alleged transactions between the parties.

Interrogatories 6, 7, 8, 9, 10, 11 and 12: Overbroad and unlimited, make reference to an alleged non-party entity or person not mentioned in the complaint, and make no reference to Plaintiffs' alleged transactions between the parties.

Interrogatories 13, 14, 15, 16, 17, 20 and 21: Overbroad and unlimited, and make no reference to Plaintiffs' claims in their complaint and the alleged transactions between the parties.

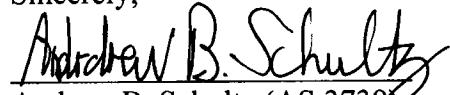
Interrogatory 22: Overbroad and unlimited, and does not request information probative to the claims alleged in the complaint.

Requests to Admit 16 through 23: These requests are not addressed in plaintiff's complaint as to these three defendants.

We appreciate the court's consideration.

CC: Patrick Gaffney, Esq.

Sincerely,



Andrew B. Schultz (AS 3739)  
Scott M. Zucker  
Attorneys for Defendants  
Berson, Daremy Court  
and Daremy Court XIV  
135 Crossways Park Drive  
Woodbury, NY 11797